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server to said resource manager.

Please add the following new claims:

25. (New) A method of dynamically controlling restart processing for recovery of an application having an application server, said method comprising the steps of:

receiving a new request to modify a resource;

receiving, with the server, a maximum request response time defining a time not to be exceeded for application requests even in case of termination or recovery of a resource manager;

dynamically calculating, with the application server, a current maximum restart time by subtracting from said maximum request response time processing time of further activities associated with said restart processing; and

dynamically initiating said resource manager to take a checkpoint whenever said restart time exceeds the current maximum restart time.

### **REJECTION OF CLAIMS**

The Examiner rejected claims 1-8, 12-14, 16, and 20-21 under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent No. 6,351,754 to Bridge Jr. et al. Claims 1-8, 12-14, 16, and 20-21 have been cancelled.

### **OBJECTION TO CLAIMS 9-11**

The Examiner objected to claims 9-11 as depending upon a rejected base claim and stated that these claims would be allowable if they re-written in independent form to

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include all of the limitations of the base claim and any intervening claims. Claim 25 represents cancelled claim 9 re-written as suggested by the Examiner.

### SUMMARY AND CONCLUSION

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

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